

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 2:11-CR-4-RL-PRC
)	
HAL KAPLIN,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT HAL KAPLIN**

TO: THE HONORABLE RUDY LOZANO, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Hal Kaplin's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on January 12, 2011, with the consent of Defendant Hal Kaplin, counsel for Defendant Hal Kaplin, and counsel for the United States of America.

The hearing on Defendant Hal Kaplin's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Hal Kaplin under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Hal Kaplin,

I FIND as follows:

(1) that Defendant Hal Kaplin understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Hal Kaplin understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Hal Kaplin understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Hal Kaplin understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Hal Kaplin has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Hal Kaplin is competent to plead guilty;

(6) that Defendant Hal Kaplin understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Hal Kaplin's plea; and further,

I RECOMMEND that the Court accept Hal Kaplin's plea of guilty to the offense charged in Count 1 of the Information and that Defendant Hal Kaplin be adjudged guilty of the offense charged in Count 1 of the Information and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Hal Kaplin be adjudged guilty, a sentencing date before Judge Rudy Lozano will be set by separate order. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 12th day of January, 2011.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Rudy Lozano